



Report Reference Number: L/20/4

To: Licensing Committee
Date: 7 December 2020
Status: Non-Key Decision
Ward(s) Affected: Whole District
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Lead Executive Member: Councillor Pearson, Lead Member for Housing, Health and Culture
Lead Officer: Alison Hartley, Solicitor to the Council

Title: Driver Medicals

Summary:

Drivers need to be in a good condition of health to ensure the safety of their passengers, themselves, and other road users. As well as driving, the day-to-day work of a licensed driver may also include lifting heavy items of luggage, wheelchairs, and shopping etc.

Selby's taxi licensing policy states that the group 2 medical must be carried out at the drivers own General Practitioner (GP). Due to the COVID19 pandemic GP practices ceased offering group 2 medicals and there remains ongoing uncertainty as to when some GP's will resume testing, this varies between practitioners and the area they are based.

Medicals so far have been deferred but as the year ends an alternative temporary measure is required to ensure protection of the public.

Recommendations:

The Committee are recommended to: -

Consider temporarily departing from Selby's taxi licensing policy, to allow drivers to:

- i) find an alternative GP to carry out the requirement to have a group 2 medical, if their own practice is not offering this service.
- ii) Holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application or when their medical is due.

Reasons for recommendation

The Council needs to be satisfied that all licensed hackney carriage and private hire drivers are medically fit. To assess an individual's medical fitness, the Council applies the standard required for a DVLA Group 2 licence which requires a higher level of fitness than is needed for an ordinary driving licence.

1. Selby's taxi licensing policy states that Every licence holder must undergo a medical check upon application and then every 3 years until the age of 65, after which a medical check must be done annually.
 - 1.1 Due to the COVID19 pandemic GP practices have been offering a reduced service, making it impossible for drivers to abide by the condition to have an up to date Group 2 medical.
 - 1.2 The licensing team have been deferring the date of due medicals so far but as the year comes to an end an alternative measure is required, to ensure a degree of compliance with the policy and to safeguard the public.
 - 1.3 GP practices in the district have been contacted to see which were offering the Group 2 medical services currently. This information can be seen below.

Name of Doctors Surgery	Medicals Done/On Hold	Fee
Tadcaster Medical Centre	On Hold	
Boston Spa Surgery	On Hold	
South Milford Surgery	On Hold	
Monk Fryston Surgery	On Hold	
Sherburn Group Practice	On Hold	
Old Goole Surgery	On Hold	
Bartholomew Medical Group	On Hold	
Montague Medical Practice	On Hold	
Posterngate Surgery	Medicals Done	£95.00
Scott Road Surgery	On Hold	
Beech Tree Surgery	Medicals Done	£150.00

- 1.4 As most GP practices are still not offering this service, most drivers are and will continue to struggle to meet the requirement to obtain a medical from their own GP.

- 1.5** It is therefore recommended that a temporary alternative measure be put in place to cover drivers through this period if their own GP practice is unable to facilitate the medical at this time. This would mean that the licensing team would be permitted to allow the driver to find an alternative GP to carry out the medical, if the driver informs licensing that their current practice is not offering the medicals.
- 1.6** In this scenario, the licensing team would inform the driver that they would need to provide the temporary GP with their medical history. To obtain this information, the driver would need to contact their own GP surgery on how to apply for this (usually a written request but it could be an application form supplied by their practice). The Group 2 medical form that the doctor completes would be updated, so that the GP carrying out the medical would need to confirm and stamp that they had seen the drivers medical records at the time of the medical.
- 1.7** If the driver or applicant is a holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) licences, and the holder is able to produce proof of current medical examination less than 3 months old, it is recommended that they shall not be required to undergo a medical examination on first application or when their medical is due.
- 1.8** The Council can depart from its policy where it considers it appropriate to do so, in this case it would be a temporary measure until normal service resumes with GP practices. It would mean that drivers are still able to abide with the medical requirement of the policy of providing an update to date Group 2 medical.
- 1.9** On the 10th September 2020, the Department for Transport (DfT) wrote to all licensing authorities (appendix A) acknowledging the challenges faced by licensing authorities during the pandemic. The letter confirmed the importance of continuing to provide the statutory function and identifying solutions that will enable the service to continue. By resolving to temporarily depart from Selby's taxi licensing policy for medicals during the pandemic the authority will be complying with its obligations.

2. Implications

The overriding aim of the Council when carrying out its functions relating to the licensing of taxi drivers, vehicles and operators, is the protection of the public and others who use (or can be affected by) hackney carriage and private hire services.

If drivers are unable to meet the requirement for a Group 2 medical this would lead to the driver being suspended until they are able to provide one. In most cases this will be out of the drivers control and an alternative measure should be in place during the COVID pandemic to avoid this.

By requiring drivers to undergo a medical the Council can ensure they are medically fit to drive the vehicle which members of the public will be transported in, this could include children and/or vulnerable persons.

2.1 Legal Implications

Public Safety is a paramount requirement of the taxi licensing regime.

A temporary measure can be easily removed when appropriate. It ensures that drivers are still submitting the appropriate medical check and ensuring driver and passenger safety.

It works in the driver's best interests.

It maintains local authority control of the licensing of drivers and public safety. It would not be appropriate to continue to suspend the requirement of medical's as it could put driver and passenger safety at risk and could cause an unreasonable delay in satisfaction of the licensing requirement.

It is a proportionate and reasonable response.

It is not clear when all surgeries will be operating fully again and therefore further delay and repeated suspensions ought to be avoided with alternative options put in place to remedy the present situation.

2.2 Financial Implications

There are no financial implications arising from this report as drivers will pay for their own medical

2.3 Policy and Risk Implications

Selby's Taxi Licensing Policy states:

'8.1 Medical checks

Drivers need to be in a good condition of health to ensure the safety of their passengers, themselves and other road users. As well as driving, the day-to-day work of a licensed driver may also include lifting heavy items of luggage, wheelchairs and shopping etc. Any applicant for the grant or renewal of a licence who is unable to satisfy the licensing authority that they meet the required medical standard will not be issued a licence.

The Council have a standard medical form which is filled in by the applicants own GP, the costs of which must be met by the applicant. Every licence holder must undergo a medical check upon application and then every 3 years until the age of 65, after which a medical check must be done annually.

The driver must be fit to drive up to the DVLA Group 2 standard.

In addition, all licence holders are required to inform the Council of any illness or condition that affects their ability to drive, as soon as possible but always within 3 days. If the Council offices are closed during this time, please email: licensing@selby.gov.uk or put in writing to the Council'.

2.4 Corporate Plan Implications

N/A

2.5 Resource Implications

N/A

2.6 Other Implications

N/A

3. Equalities Impact Assessment

N/A

4. Conclusion

4.1 For members to resolve to depart temporarily from Selby's Taxi Licensing Policy, to allow drivers that inform the licensing team that their own GP practice is not providing medicals to:

- to go to a different practice or company who can carry out the Group 2 medical. To do this the driver would be expected to share with the temporary GP their medical history
- holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application or when their medical is due.

This would be ongoing until the COVID19 pandemic improves and GP practices revert to offering full services and will be monitored by the Licensing team.

5. Background Documents

N/A

6. Appendices

Appendix A – Letter from the DfT

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